



DJJ Transformation and Length-of-Stay Guidelines

September 19, 2023

Outline

1 Direct Care Population, Capacity, and Staffing

2 Transformation Goals and Metrics

3 Revisions to the Length-of-Stay Guidelines

4 Key Takeaways



Direct Care Population, Capacity, and Staffing

Department of Juvenile Justice (DJJ) Primarily Administers Programs for Youth Referred to the Juvenile Justice System

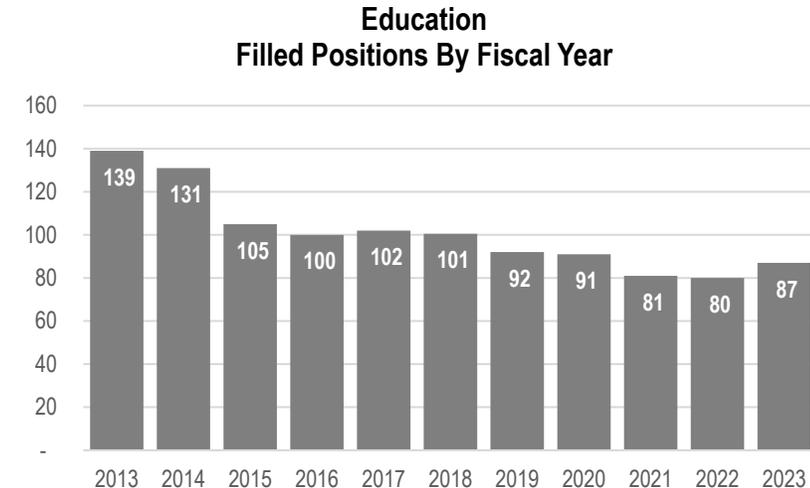
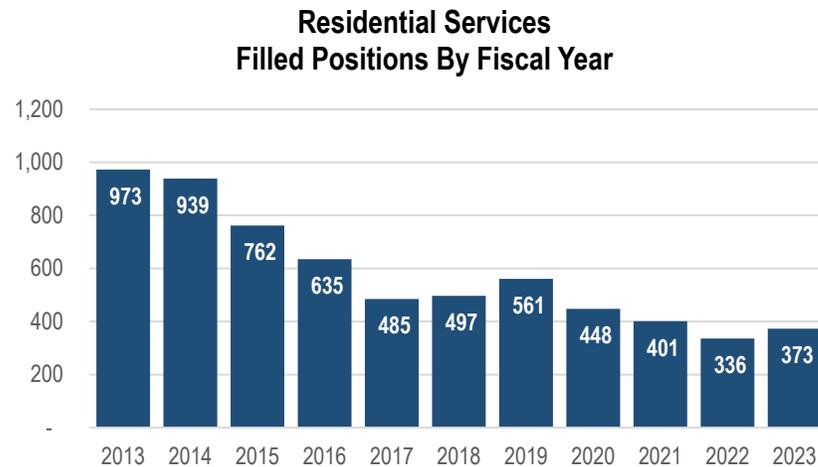
- DJJ’s mission is “to protect the public by preparing court-involved youth to be successful citizens.”
- DJJ oversees four primary program and services:
 - **Administer Direct Care Programs** – For youth committed to DJJ’s custody, DJJ maintains the **Bon Air Juvenile Correctional Center (JCC)** and contracts with **seven community placement programs** to supervise, treat, and educate youth in a secure setting.*
 - **Administer Community Programs** – For all youth referred to the juvenile justice system, DJJ provides a continuum of community-based services and manages **30 court services units (CSU)**, which provide intake, probation, and parole services for juvenile and domestic relations courts.
 - **Certify and Partially Fund Local Juvenile Detention Centers (JDC)** – DJJ certifies and helps support 24 JDC operated by localities and multi-jurisdictional commissions for youth detained both before and after a court appearance.
 - **Fund Local Community-Based Programs** – DJJ allocates formula funding to localities to support crime deterrence.
- DJJ has **1,710 funded positions**, with approximately 40 percent at CSU and 36 percent engaged in direct care at Bon Air JCC.

| Positions (As of June 2023) | Funded | Filled | Vacancy Rate |
|-----------------------------|--------------|--------------|--------------|
| Central Office | 300 | 255 | 15.0% |
| Medical | 84 | 58 | 31.0% |
| JCC | 429 | 202 | 52.9% |
| Education | 103 | 74 | 28.2% |
| Court Service Units | <u>794</u> | <u>691</u> | <u>13.0%</u> |
| Total | 1,710 | 1,280 | 25.1% |

*Number of facilities as of June 2022. A small percentage of direct care youth are in placements other than JCC and CPP. Sources: DJJ, FY 2022 Data Resource Guide; DJJ, staff email July 26, 2023.

More Than Half of Bon Air JCC Funded Positions are Vacant

- **JCC staffing levels have declined significantly over the past decade and the JCC vacancy rate is currently at 52.9 percent.**
- In FY 2024, JCC Residential Specialists received a salary increase to partially catch up to the higher salary levels provided to correctional officers in FY 2023.
 - Currently, residential specialists have the same entry level starting salary as correctional officers, but a lower supervisory salary.
 - Prior to the FY 2023 correctional officer increase, residential specialists had higher starting salaries than correctional officers at all levels.



Sources: DJJ, staff email July 21, 2023; DPB, staff email June 16, 2022.

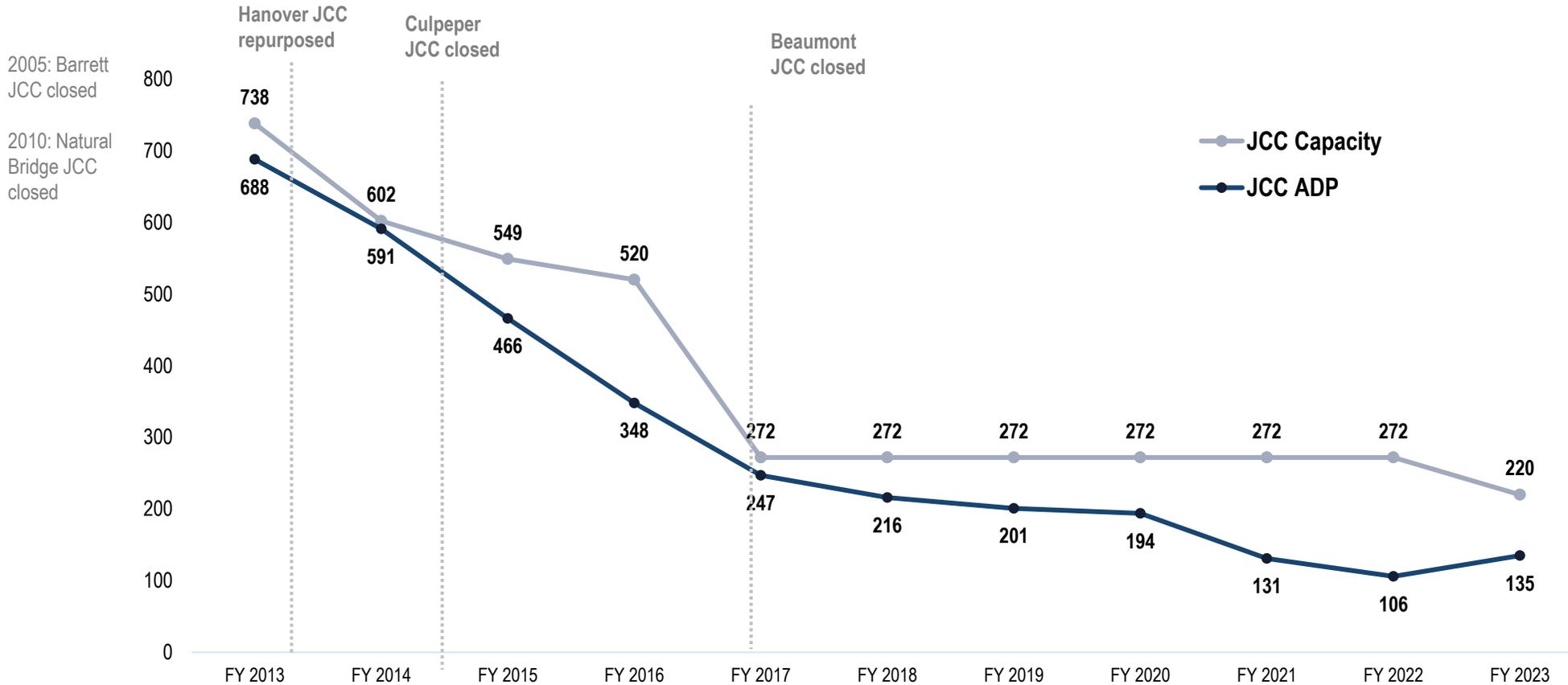
Glossary of Key Terms

- Direct care – Committed to the Department of Juvenile Justice (DJJ) and under staff supervision in either a juvenile correctional center (JCC) or an alternative placement, like a community placement program (CPP).
 - CPP – a direct care residential program operated by a local juvenile detention center, with the goal of having alternative placements that are smaller, more individualized and closer to the youths' homes.
- Intake complaint – a request to initiate a Juvenile and Domestic Relations court action; an intake officer at a DJJ court service unit determines if the complaint will result in no action, diversion, or the filing of a petition initiating formal court action.
 - Intake case – a youth with one or more intake complaints.
- Recidivism rate – the percent of individuals who commit a subsequent offense after release from supervision, including:
 - Rearrest – a petitioned juvenile intake complaint or adult arrest (for a new delinquent act or criminal offense), regardless of the court's determination of delinquency or guilt; and
 - Reconviction – a delinquent adjudication for a new delinquent act or criminal offense.

Sources: DJJ, FY 2022 Data Resource Guide; JLARC, Virginia's Juvenile Justice System, 2021.

JCC Operational Capacity and Average Daily Population have Declined Significantly Over the Past Decade

Between FY 2013 and FY 2023, the JCC operational capacity has declined by 70.2 percent and the JCC average daily population (ADP) has declined by 80.4 percent.

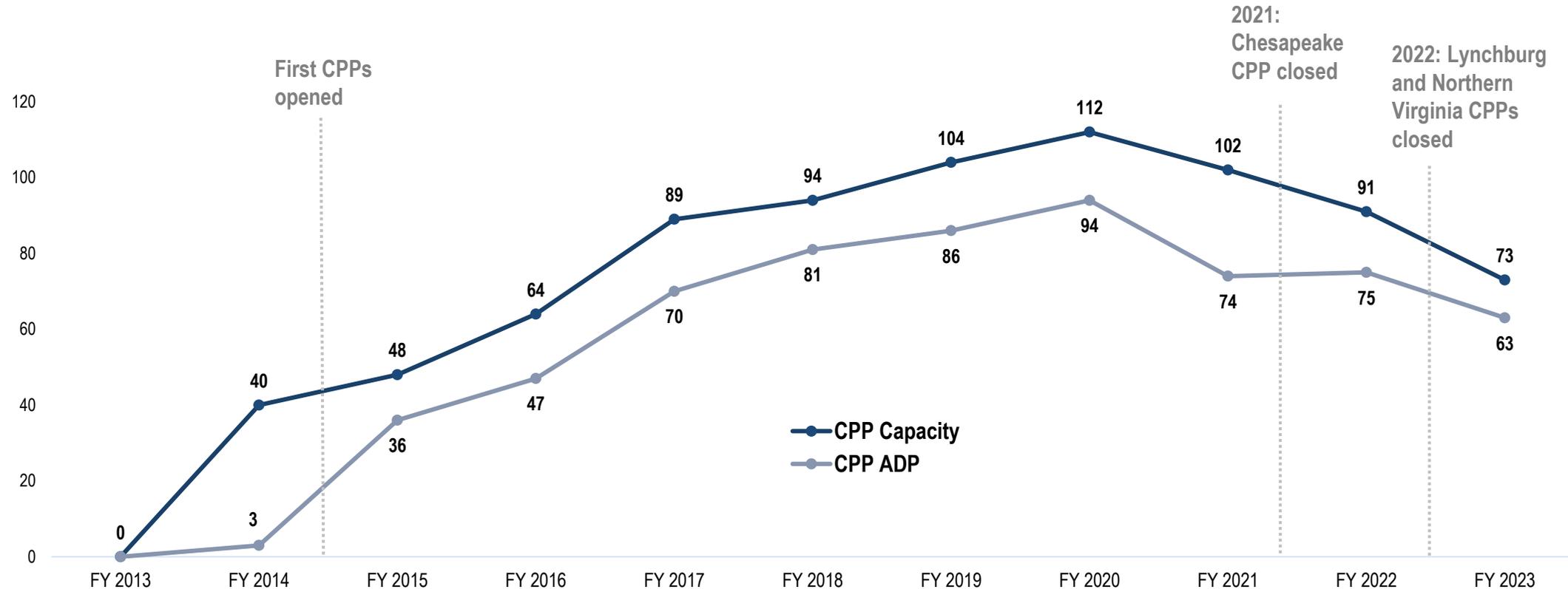


- The decline in the number of system-involved youth has likely resulted from both declining juvenile arrests and Transformation efforts.
 - Between 1996 and 2019, juvenile arrest rates declined 77 percent in Virginia and 75 percent nationally.
 - Transformation efforts have proportionally increased the use of diversions.
 - COVID-19 accelerated the decline, partially as a result of less law enforcement referrals and less court activity.

Sources: DJJ, Data Resource Guides; FY 2013 – FY 2022; DJJ, staff email, July 13, 2023; JLARC, Virginia’s Juvenile Justice System, 2021. Capacity is determined on last day of the fiscal year and represents useable beds.

DJJ Has Closed Several Community Placement Programs (CPP) in Recent Years

CPP capacity and average daily population (ADP) rose steadily through FY 2020 but has since declined, from 112 beds and 94 ADP in FY 2020 to 73 beds and 63 ADP in FY 2023.



Source: DJJ, Data Resource Guides, FY 2013 – FY 2022. Capacity determined on the last day of the fiscal year.

DJJ Has Paused Plans to Construct a New Facility and Requested Funding to Reopen Old Housing Units

- In 2016, General Assembly approved capital projects related to new JCC, including detail planning funding.
 - As of June 2023, DJJ has spent \$1.9 million toward planning its capital project, primarily on architectural and engineering services.
- A 2017 Task Force recommended two smaller juvenile correctional centers (96-bed and 60-bed), stating the Bon Air facility was not cost effective and did not align with “emerging best practice standards.”
- Local zoning challenges prevented construction of a facility in the eastern region.
- In 2021, JLARC recommended that DJJ “proceed with constructing a smaller juvenile treatment facility on the Bon Air JCC property while locations for other facilities are being determined.”
- Largely due to the LOS Guidelines revisions, **DJJ has paused new facility construction plans to reevaluate project scope and requested transference of \$2.6 million in bond authority (from an outdated Department of Correction’s project) to reopen nine housing units at Bon Air JCC.**



Sources: JLARC, Virginia’s Juvenile Justice System, 2021; DPB, Capital Project History and Capital Project Requests databases, referenced September 15, 2023; DPB, staff email June 28, 2023; VPM, “Virginia has one youth prison left. Advocates say it’s one too many,” March 10, 2022.



Transformation Goals and Metrics

Transformation Focuses on Reducing the Correctional Center Population and Reallocating Savings to Reform Virginia's Juvenile Justice System

- DJJ outlined three primary **strategic objectives** for Transformation in its 2016 report:
 - **Reduce** the use of the state's large and aging juvenile correctional centers (JCC) by transforming intake, probation, and commitment;
 - **Reform** supervision, rehabilitation, and treatment practices throughout the juvenile justice system; and
 - **Replace** large, outdated JCC facilities with smaller, regional, treatment-oriented facilities supported by a continuum of local placements and services.
- Budget language directs DJJ to **reallocate savings from reduced JCC operations** to support Transformation goals by expanding the number of placement and treatment options across all regions, including alternative placements such as community placement programs.

Sources: DJJ, Transformation Plan Updates, FY 2016 – FY 2022; Chapter 2, 2022 Acts of Assembly.

Length-of-Stay Guidelines Background

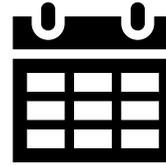
- Length-of-stay (LOS) guidelines apply to “indeterminate commitments,” which means the court has placed a youth in DJJ custody and directed DJJ to calculate their sentence length based on the LOS Guidelines (and statutory requirements).
 - The courts establish sentence lengths for determinate commitments.
- DJJ’s Board revised the 2015 LOS guidelines in 2022.
 - The 2022 revision was implemented March 1, 2023 and applies to new commitments.
- **SFAC staff presentation will summarize historical data** related to Transformation, focusing on the direct care population.
- **DJJ presentation will provide additional context.**

Transformation Goals and Initiatives Focus on Increasing Community-Based and Rehabilitative Services



Expanded Services

- Family transportation and visitation
- Partnerships with social services, education, and workforce agencies
- Student Government Association



Revised Length-of-Stay Guidelines

- Decreased projected length of stay in state-managed secure facilities for indeterminate sentences



Standardized Assessment Tools

- Youth Assessment and Screening Instrument
- Standardized Disposition Matrix



Reduce Use of Large, Secure Facilities

- Closed juvenile correctional centers (2014 & 2017)
- Established Community Placement Programs (2014)
- Established contracts with regional service coordinators (2016)



Implement Community Treatment Model

- CTM is a phased system focused on therapeutic activities and consistent staffing



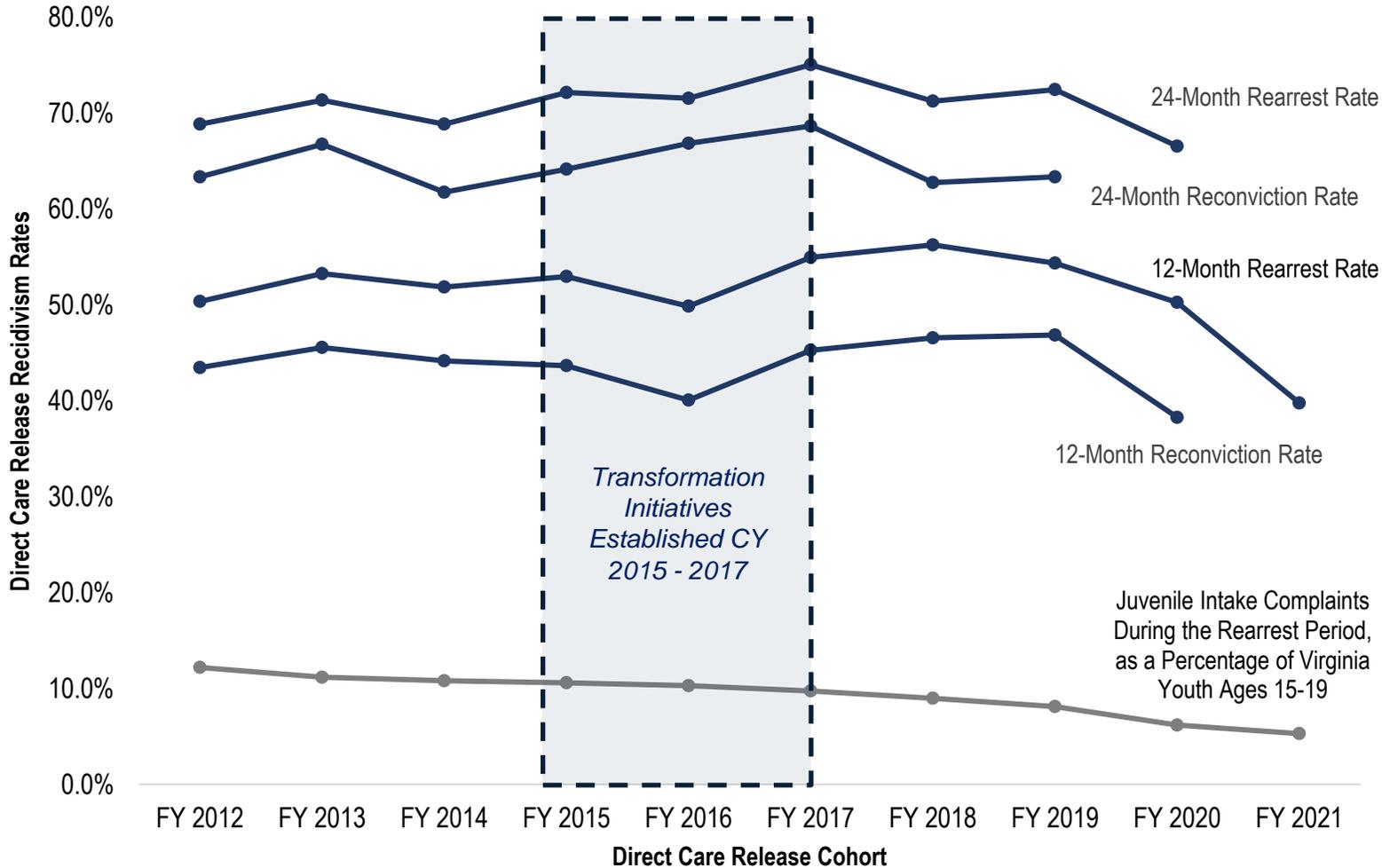
Provided Professional Development

- Justice Transformation Institute
- Effective Practices in Community Supervision (EPICS)
- Quality Assurance Unit

Sources: DJJ, Transformation Plan Updates, FY 2017 – FY 2022.

Metrics – Recidivism Rates Have Declined for Youth Leaving DJJ Custody

Recidivism rates increased from FY 2014 to FY 2017 and decreased from FY 2017 to most recent year available (year based on release from direct care).

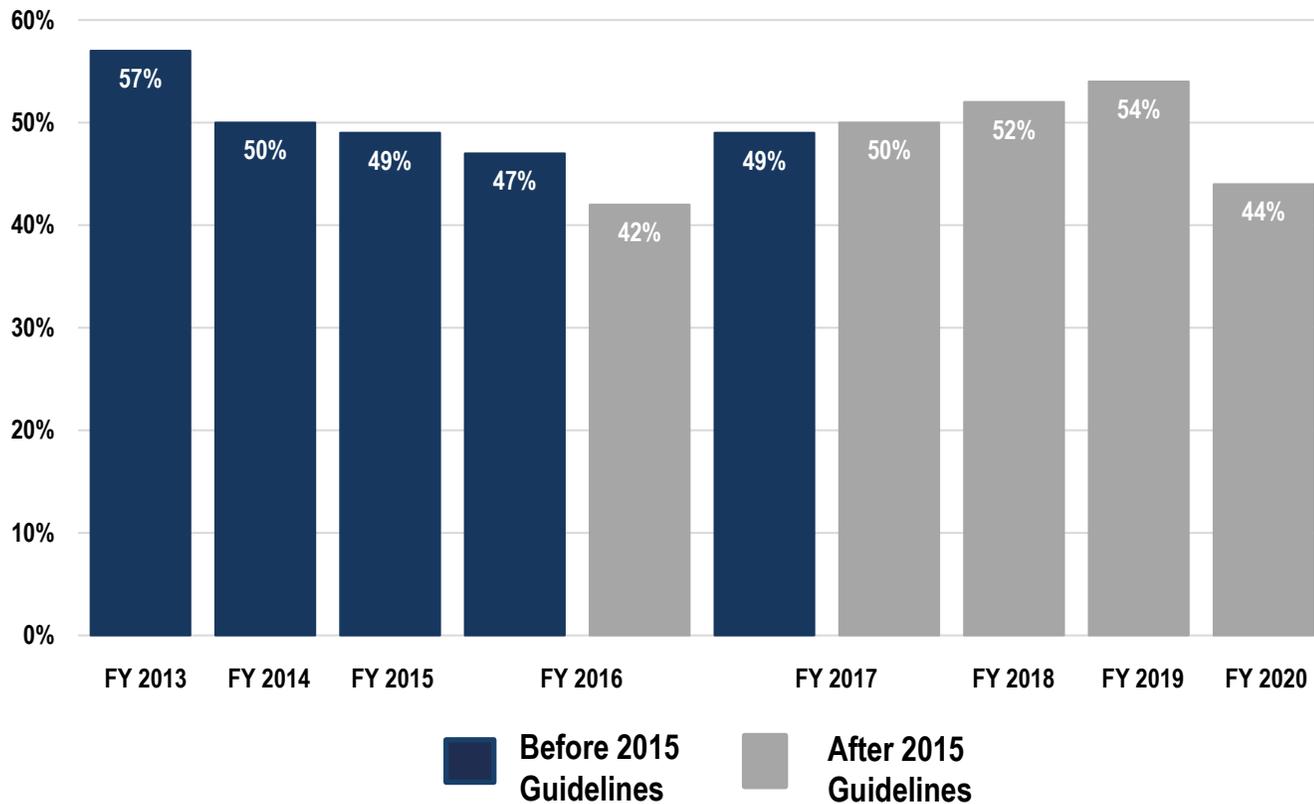


- While recent recidivism data is promising, changes in law enforcement and court activity during the pandemic make it difficult to draw conclusions about DJJ program effectiveness.
- Future recidivism rates will provide a clearer picture, especially as the impact of COVID-19 on the juvenile justice system diminishes.
 - The number of intake complaints, one indicator of enforcement activity, increased in both FY 2022 and FY 2023 (but have not reached pre-pandemic levels).
 - Two-year rates provide a more comprehensive picture of recidivism. Among reoffending direct care releases, 67.9 percent were rearrested within the first year and 91.5 percent within two years (FY 2012 – FY 2019).
 - While rearrest rates have a shorter lag, reconviction rates can be a more precise indicator of reoffending.

Sources: DJJ Data Resource Guides, FY 2017 – FY 2022; Weldon Cooper Center for Public Services, Virginia Population Estimates, referenced August 27, 2023.

Metrics – Average Recidivism For Indeterminate Releases Either Decreased Slightly Or Remained Steady As LOS Decreased

The average 12-month reconviction rate for indeterminate releases was 50.4 percent for juveniles under the pre-2015 guidelines (FY 2013-FY 2017) and 48.4 percent for those under the 2015 Guidelines (FY 2016-FY 2020).



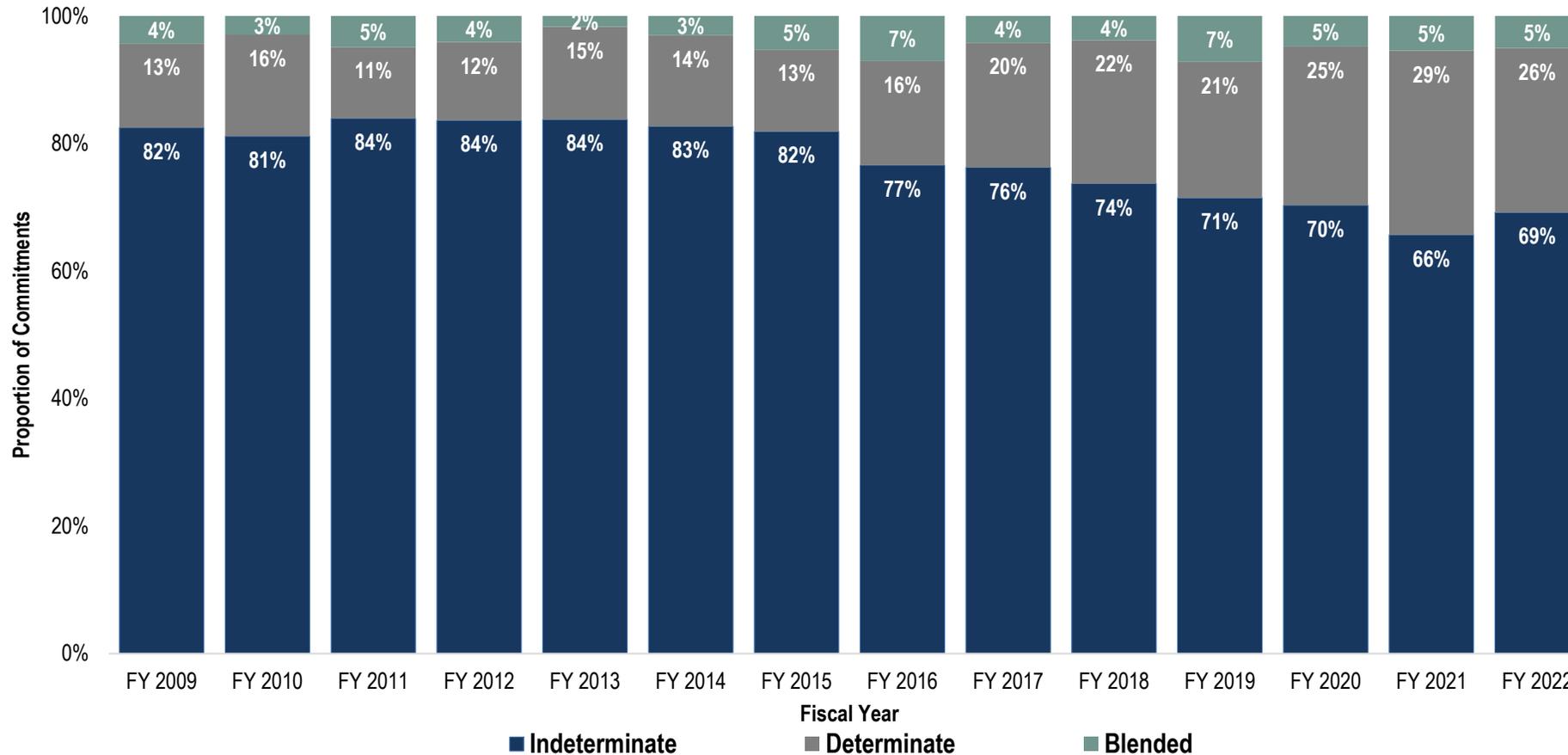
Sources: DJJ, staff email September 7, 2023; Source: Data Resource Guides, FY 2012 – FY 2022. FY 2016 was the first year where some releases were subject to the 2015 guidelines.

- Comparing indeterminate releases before and after the 2015 Guidelines, average LOS decreased by 6.4 months* and one-year reconviction rates decreased slightly.
 - The average 12-month rearrest rate for indeterminate releases similarly decreased (from 60.5 percent to 56.4 percent**) and the average 24-month rearrest rate stayed steady (from 77.7 to 77.9 percent).***
- **As noted earlier, the pandemic and other factors make it difficult to draw a causal conclusion about the 2015 LOS guidelines' impact on recidivism.**
 - In addition to impacting law enforcement and court activity, COVID may have restricted programming at Bon Air JCC.
 - There is also an increasing portion of high-risk youth in direct care.

Notes: *FY 2012-15 and FY2019-22; **FY 2013-17 and FY 2016-FY21; ***FY 2013-17 and FY 2016-20.

Metrics – Judges’ Use of Indeterminate Commitments for Juveniles has Decreased

Judges’ proportional use of determinate commitments has increased since the LOS Guidelines were implemented from 13.5 percent on average (FY 2009 to 2015) to 22.8 percent on average (FY 2016 to FY 2022).

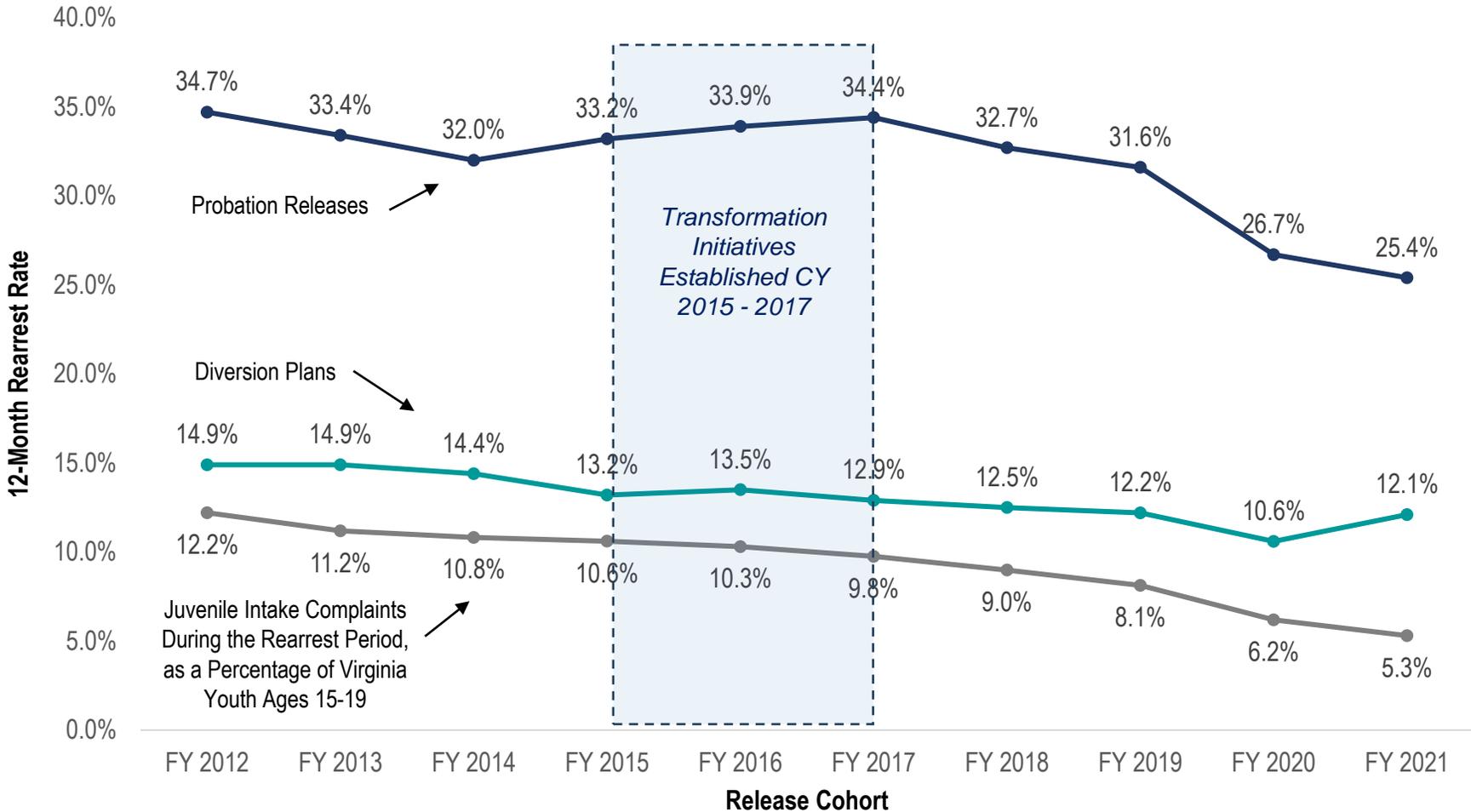


- Determinate sentences are more than twice as long as indeterminate sentences on average.
- Determinate sentence lengths have decreased on average over the last decade.
 - The LOS for determinate releases was 30.8 months before the 2015 Guidelines (FY 2012 – FY 2015) and 25.6 months after full implementation of the 2015 Guidelines (FY 2019 to FY 2022).

Source: DJJ, Transformation Plan FY 2022 Update and 2016 Update.

Metrics – Transformation Initiatives Have Corresponded with Declining Rearrest Rates for Lower Risk Youth

Between FY 2017 and FY 2021, the 12-month rearrest rate decreased by 9.0 percentage points for probation releases and 0.8 percentage points for youth placed on diversion plans.

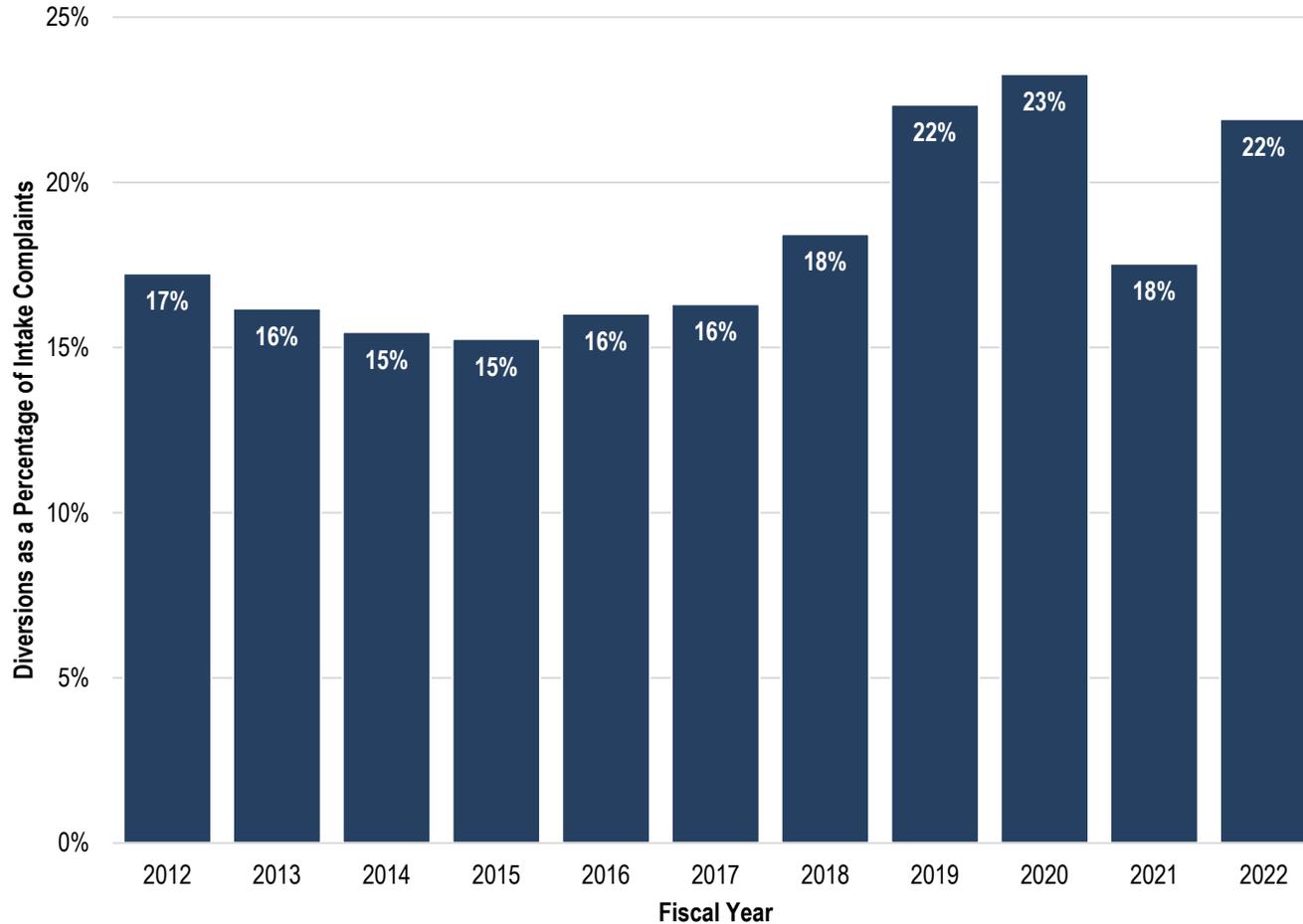


- Comparisons between placements are difficult because of average risk levels differ between placement options. For example, in FY 2022, **87.1 percent of direct care admissions were considered high-risk compared to 31.8 percent of probation placements.**
- Recidivism rates between years are also not directly comparable, in part because **the portion of high-risk youth in the court system is increasing.** Between FY 2018 and FY 2022, the portion of high-risk direct care youth increased from 80.6 percent to 87.1 percent and the portion of high-risk probation placements increased from 26.2 percent to 31.8 percent.

Sources: DJJ Data Resource Guides, FY 2016 – FY 2022; Weldon Cooper Center for Public Services, Virginia Population Estimates, referenced August 27, 2023. Diversions are defined as successful diversions.

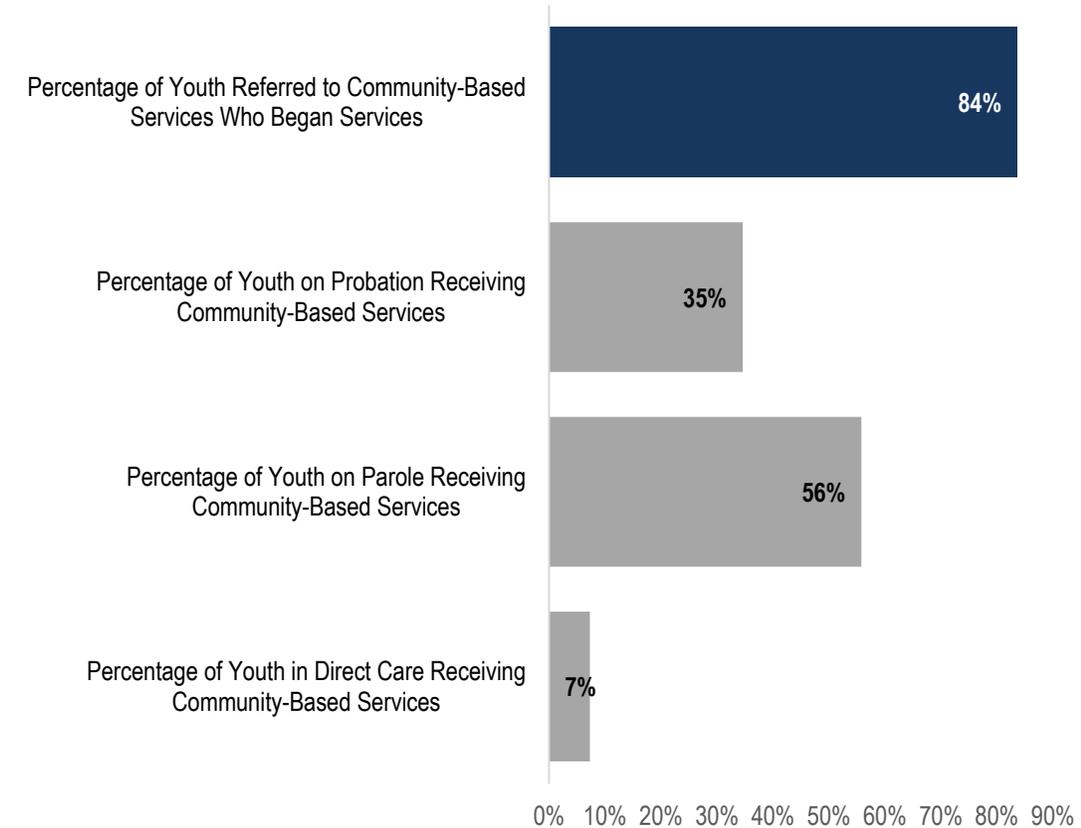
Metrics – Diversions Have Increased and Youth have Access to More Community-Based Services

Since FY 2015, the portion of diversion cases (as a percentage of intake cases) has increased each year except FY 2021.



Source: DJJ, Data Resource Guides, FY 2021 and FY 2022.

In fiscal year FY 2022, 84 percent of youth who were referred to community-based services were able to receive services.



Source: DJJ staff email, July 13, 2023.

Metrics – Reallocated Funds from Transformation Have Been Reinvested

- Since 2016, budget language has required DJJ to reallocate savings from the reduced cost of operating JCC to support transformation goals, including but not limited to:
 - Increasing local placement options and post-dispositional treatment programs across all regions of the Commonwealth; and
 - Providing appropriate levels of services for juveniles including, but not limited to, CPP, independent living programs, and group homes.
- DJJ has reinvested Transformation “savings” in CPP, court service units, and community-based services.
 - Comparing FY 2022 to FY 2014 (the last fiscal year with no Transformation initiatives), DJJ spent \$28.9 million GF less on JCC operations and \$35.2 million GF more on CPP, court service units, and community-based services.
 - DJJ will provide additional data on how they are using Transformation savings.
- While total JCC expenditures have decreased, per capita JCC expenditures have increased as the population declined.

Sources: DJJ, Data Resource Guides, FY 2016 – FY 2022; DJJ, staff email, September 8, 2023. CPP expenditures based on year of contract and all other categories based on year of payment.

Metrics Indicate Progress But Challenges and Questions Remain, Including for Direct Care Programs

- JLARC study on Virginia’s Juvenile Justice System (2021) found direct care rehabilitative programming lacked some key elements related to treatment program design and evaluation, based on a review of national best practices. JLARC recommended the:
 - General Assembly direct DJJ to base treatment programs on the best available evidence of effectiveness and DJJ routinely evaluate and improve its rehabilitative programming;
 - DJJ improve residential specialist training to address the therapeutic responsibilities of their role;
 - Creation of new position to oversee CPP, including ongoing review and accountability measures; and
 - DJJ improve reentry and step-down programs, as recommended by the Successful Transitions workgroup.
- Other JLARC (2021) findings include:
 - “Effectiveness of Community Treatment Model (CTM) has not been verified and may be compromised by issues with key frontline staff.”
 - Aggression Replacement Training was recently downgraded from “effective” to “no effects” by the U.S. Office of Juvenile Justice and Delinquency Prevention and other emerging research.
- DJJ will present on initiatives implemented since JLARC made its recommendations.

Source: JLARC, Virginia’s Juvenile Justice System, 2021.

JLARC Recommended that DJJ Fully Consider Youths' Treatment and Progress Before Youth Are Released

- JLARC (2021) stated that “there is currently no consensus on an ideal LOS, but research indicates that both stays that are too long or too short can each result in bad outcomes for youth.”
- While ensuring that LOS allows for treatment completion is appropriate, additional information would allow for:
 - Determination as to what extent shorter LOS are causing the decline in treatment completion.
 - For example, DJJ found that aggression management treatment declined from 82.8 percent to 68.8 percent after the 2015 Guidelines went into effect, but that decline varied among actual LOS ranges.
 - Understanding the relationship between treatment length and current LOS (i.e. how long are individuals' treatment programs compared to their LOS).
 - Evaluation of whether DJJ has started to align direct care program effectiveness with best practices, as recommended by JLARC in 2021.

Source: JLARC, Virginia's Juvenile Justice System, 2021; DJJ; FY 2022 Transformation Plan Update.



Length-of-Stay Guideline 2022 Revisions

2022 Guidelines Increase LOS and Revise Considerations for Release

- Establishes new **minimum standards for release**, including:
 - Completion of assigned treatment;
 - For more serious offenses, completion of a 6-to-12-month skilled trade vocational program*; for less serious offenses, active participation in educational and vocational programs;
 - Avoidance of certain behavioral infractions (such as fighting, patterns of non-compliance, and gang activity) for at least 90-180 days (depending on offense severity); and
 - No subsequent commitments, which extend juveniles LOS by at least three months.
- DJJ will present on its reasons for revising the LOS Guidelines, including those previously cited:
 - “High, violent recidivism”;
 - Treatment requirements that “did not match up with LOS”;
 - “Lost faith of our community partners, police, Commonwealth’s Attorneys, Judges”; and
 - “Focus on acquiring vocational skills”.

Sources: DJJ, Guidelines for Determining the Length of Stay for Juveniles Indeterminately Committed to the Department of Juvenile Justice, effective date March 1, 2023; DJJ, Presentation to the Board of Juvenile Justice, November 9, 2022.

*Certain exceptions for youth with disabilities or exceptional academic performance. 12-month program required for youth with 15+ month stays to be released early.

2022 Guidelines Increase Projected LOS Ranges by Between Four Months and Two Years

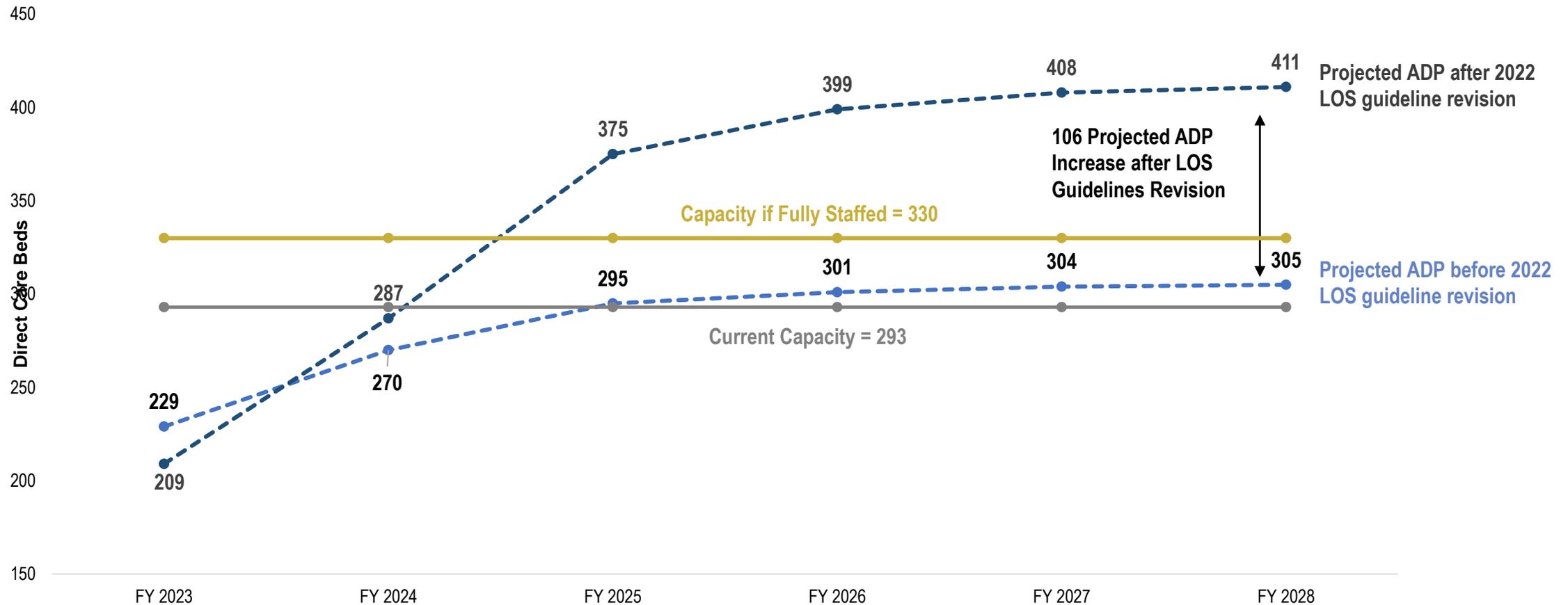
| Projected LOS in the 2015 and 2022 Guidelines (Months) | | | | |
|--|------------------------------|-------------------------------|-------------------------------|--------------------------------|
| Offense Tier 2015 Guidelines | Offense Tier 2022 Guidelines | Projected LOS 2015 Guidelines | Projected LOS 2022 Guidelines | Increase 2022 Compared to 2015 |
| Tier I | Tier I | 2-9 | 6-15 | 4-6 |
| | Tier II | | 8-17 | 6-8 |
| | Tier III | | 10-19 | 8-10 |
| Tier II | Tier II | 3-10 | 8-17 | 5-7 |
| | Tier III | | 10-19 | 7-9 |
| | Tier IV | | 12-30 | 9-20 |
| Tier III | Tier III | 5-12 | 10-19 | 5-7 |
| | Tier IV | | 12-30 | 7-18 |
| | Tier V | | 18-36 | 13-24 |
| Tier IV | Tier IV | 6-15 | 12-30 | 6-15 |
| | Tier V | | 18-36 | 12-21 |

- **Projected LOS is not necessarily actual LOS.** The guidelines establish an initial estimated LOS and a case review process for revisions.
 - For example, the 2022 guidelines establish a petition-based “early release” process if certain criteria are met.
- Both the 2015 and 2022 LOS guidelines give the DJJ Director authority to override LOS decisions to serve the welfare of juveniles, staff, or the public.
- Within the offense tiers, risk level is used to determine projected LOS.

Sources: DJJ, Guidelines for Determining the Length of Stay for Juveniles Indeterminately Committed to the Department of Juvenile Justice, effective dates October 15, 2015 and March 1, 2023. Table does not include youth receiving inpatient sex offender treatment and does not show subcategories based on youth risk levels.

2022 LOS Guidelines May Increase Average Population by up to 106 Youth, Surpassing Current JCC Capacity

Based on preliminary DJJ population projections, DJJ may experience a shortage of 82 beds in FY 2025 and 118 beds in FY 2028 under current staffing levels. If Bon Air JCC becomes fully staffed, the projected bed shortage is reduced to 45 in FY 2025 and 81 in FY 2028.



Source: DJJ, staff email February 23, 2023; DJJ, FY 2023 Juvenile Correctional Center Population Data, referenced July 13, 2023; DPB, staff email December 29, 2022. Capacity includes 220-257 Bon Air JCC beds and 73 CPP beds. More updated population projections will become available in the October 2023 official offender forecast.

Recently Adopted Budget Language Directs DJJ to Further Study LOS Guidelines and Use of Local Detention Centers

- DJJ must submit a report by December 1, 2023 on the evidence for and impact of the 2022 LOS Guidelines.
- Secretary of Public Safety must submit a report on local juvenile detention center (JDC) cost savings strategies by October 15, 2024, including:
 - Recommendations for JDC closure and consolidation;
 - Associated state savings and options for reinvestment; and
 - Assessment of alternative delivery models for education services at JDC.



Key Takeaways

Key Takeaways

- DJJ has reallocated its savings from JCC closures to support Transformation goals, including CPP and community-based services. However, DJJ has been downsizing CPP beds since 2020.
- Recent average recidivism rates are promising, but COVID-19 makes it difficult to draw conclusions about the impact of Transformation on recidivism.
 - Initial Transformation initiatives were established between 2015 and 2017. Between FY 2017 and FY 2020, the 12-month reconviction rate for direct care releases declined from 45.3 percent to 38.3 percent.
- In 2021, JLARC made recommendations for improvements in rehabilitative programming for youth in DJJ direct care, including routinely evaluating program effectiveness and ensuring alignment with national best practices.
 - DJJ has been asked to present on changes made since the 2021 JLARC recommendations.
- Significant staffing shortages and space issues need to be addressed and may make the 2022 LOS Guidelines revision difficult to implement.
- Additional evaluation is needed and may complicate efforts to implement LOS revisions.